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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,633	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3001/JEK/JJC	4658

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EXAMINER
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HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/725,633

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,8-10,12,15-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,11,13,14,18,20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The claim status identifiers for claims 6, 15 and 19 should read "Withdrawn".

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 7, 13, 14 and 18 under 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

### ***Election/Restrictions***

Claim 12 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 24, 2006. This withdrawal corrects the omission of claim 12 from the list of claims withdrawn from consideration in the Office action mailed June 15, 2006.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 7, 13, 14, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al (U.S. Patent No. 6,566,577).

With respect to **Claims 1,20**: Addison teaches a wound dressing 1 having an absorbent core 9 defining generally planar opposed proximal and distal surfaces wherein the distal surface includes a central portion and a border portion. The absorbent core is wrapped in a perforated film that defines a skin-adherent facing layer, and said film is secured to the proximal surface of the core 9. Dressing 1 is also comprised of a liquid impervious, vapor pervious backing layer 6 connected to the distal surface of the absorbent core (Fig. 4) and defines a border portion extending beyond and surrounding peripheral edges of the absorbent core.

Addison does not teach that the backing layer defines at least one compliant element disassociated with and freely extending from the distal surface of the absorbent core. The backing layer is comprised of liquid-impermeable material and is coated with adhesive in its border portions and therefore is capable of adhering to the underside of the overlap portion of said perforated film. It would be obvious to one of ordinary skill in the art to adhere the border portions of the backing layer 6 to the underside of the compliant element formed by the overlap portion to lend structural integrity to the compliant element while allowing the element to remain

compliant. Thus, the backing layer would define at least one compliant element disassociated with and freely extending from the distal planar surface of core 9.

With respect to **Claim 2**: The overwrap portion of the film (i.e. the at least one compliant element) taught by Addison is capable of being folded inward so as to be positioned in an area that corresponds to an intermediate portion of the absorbent core 9 interposed between a central portion of said core and a border portion of said core.

With respect to **Claim 3**: The compliant element formed from the film overlap portion taught by Addison includes at least one ridge concentric with the periphery of the absorbent core and extends outwardly relative to the distal surface of core 9.

With respect to **Claim 4**: When the absorbent core 9 has absorbed a maximum amount of moisture content, the core will expand slightly, which will cause the outer edges of the core to push against the film that envelops it, and thus the at least one ridge of the compliant element will be forced outward relative to the distal surface of core 9.

With respect to **Claim 7**: The backing layer 6 taught by Addison is secured to the border portion of core 9.

With respect to **Claim 13**: Addison teaches that the backing layer is comprised of polyurethane film.

Art Unit: 3761

With respect to **Claim 14**: Addison teaches by reference to United Kingdom Publication GB 1,280,631 a backing layer comprising polyurethane and having a layer of adhesive thereon that is unaffected by water, having an elongation to break of 730%.

With respect to **Claim 18**: Addison teaches that the backing layer 6 is sealed along the border portion of the absorbent core.

With respect to **Claim 21**: Please see the rejection of claim 1 in addition to the following: the compliant element formed from the film overlap portion has a profile generally corresponding in shape to the periphery of the absorbent core.

With respect to **Claim 22**: The periphery of the compliant element, defined by the outer edge of the overlap portion of the film, is uniformly spaced from the periphery of the absorbent core.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al ('577) in view of Pocknell (U.S. Patent No. 4,991,574).

With respect to **Claim 11**: Addison does not teach a facing layer comprising a discrete silicone sheet. Pocknell teaches a surgical dressing comprised of a substantially planar (claim 12) silicone gel layer that defines the facing layer that is oriented toward the skin of the user. Pocknell teaches that silicone gels are able to be integrated into a dressing in sheet form and the gel adapts itself to the contours of the human body and is an effective aid in preventing scarring, therefore it would be obvious to one of ordinary skill in the art to incorporate a gel sheet as the facing layer of the dressing taught by the combined teaching of Edenbaum and

Art Unit: 3761

Dadanis to provide a dressing that conforms and creates a comfortable interface and inhibits scarring as taught by Pocknell.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

MJH  
October 11, 2006

TATYANA ZALUKAEVA  
SUPERVISORY ~~PRIMARY~~ EXAMINER

